

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL A. DRACH, KATHLEES A. DRACH
and BMO HARRIS BANK NATIONAL ASSOCIATION,

Defendants.

ORDER

15-cv-184-wmc

The government seeks reconsideration of the court's order which dismissed this action without prejudice. The government's motion sets forth the procedural posture, but briefly, this court received notice of suggestion of bankruptcy filing by defendants Paul A. Drach and Kathleen A. Drach. (Dkt. #21.) In response, the court dismissed this case without prejudice to reopening upon completion of the bankruptcy proceedings. (Dkt. #22.)

The United States now seeks reconsideration on the grounds that the dismissal of this action, rather than entering a stay, could result in a later bar to reopening due to the running of the statute of limitations. (Dkt. #23.) Finding merit in plaintiff's concern, the motion for reconsideration (dkt. #23) is GRANTED, and the order dismissing this action (dkt. #22) is VACATED. Instead, this action is STAYED by operation of law under 11 U.S.C. § 362, and the clerk of court is directed to administratively close this case.

Defendants Paul and Kathleen Drach are further DIRECTED to advise the court when their bankruptcy case is closed or dismissed, or when discharge is entered,

whichever is first. At that point, the United States may seek to reopen this action, if appropriate.

Entered this 4th day of April, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge